

From: [Chen, Isaac](#)
To: [Gillespie, David](#)
Subject: RE: Fracking fluids as "well completion fluids"
Date: Tuesday, February 25, 2014 9:51:00 AM
Attachments: [2012 Fact Sheet.doc](#)
[Final OCS GP 092812.docx](#)
[Final Response as of 092812.docx](#)

Thanks. I couldn't find any discussions or permit conditions that we authorize discharge of "hydraulic fracturing fluid". We have used the term of hydraulic fracturing in the definition of produced sands which is prohibited for discharge.

From: Gillespie, David
Sent: Tuesday, February 25, 2014 9:03 AM
To: Chen, Isaac
Subject: FW: Fracking fluids as "well completion fluids"

[Here is the email.](#)

David Gillespie
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gillespie.david@epa.gov

From: Pearse, Adam [<mailto:apearse@oceana.org>]
Sent: Tuesday, January 28, 2014 3:02 PM
To: Gillespie, David
Subject: Fracking fluids as "well completion fluids"

Hello David,
Thank you so much for taking my call and offering to help. So, to further delineate my question:

Under the Clean Water Act regulations for OFFSHORE oil and gas activities, specifically for NPDES permits for wastewater discharges from offshore oil and gas operations (40 CFR 435 Subpart A), EPA categorizes fracking fluids as well completion fluids—for the sake of discharges. The new General NPDES Permit in Region includes fracking fluids as "well completion fluids," therefore subject only to the General NPDES permit.

I've looked at the regulations since 1993 and the definition of well completion fluids has not changed. What I'm looking for is: any published opinion from EPA, or any statutory or regulatory authority under which EPA includes fracking fluids as well completion fluids. If this is just an interpretation of the rule, is there any public record of such an interpretation? Long-story short: why does EPA consider fracking fluids well completion fluids?

I've looked at all the updates of the CWA regs and also looked through several NPDES permits and can't find anything. I do really appreciate your help. Feel free to send follow up questions if anything is unclear.

Thank you so much for your help.

Best,

Adam Pearse | Law Fellow

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